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RUSSELL *v.* WISEMAN;

OR,

REASON *v.* OPINION.

An Appeal to the Lords.

BY

JOHN PYER, THE YOUNGER.

LONDON:

JOHN SNOW, 35, PATERNOSTER ROW.

1851.

THE AUTHOR'S APOLOGY.

“*QUID ROMÆ*,” say our critics,—“what new light do you offer, Sir, as to this boring controversy about the Pope?” “None,” we modestly reply: “our sole task is to appeal from ‘Philip drunk to Philip sober,’—to discard the passion, and to reflect the reason, which have hitherto intermingled in the conflict.” “But you are too late,” next object, our amiable but scrutinizing censors.

It may be so; and if so, we are quite content to be unread, and to bear with philosophic calm the discovery that our genius will not be assumed, and that our merit, like caloric in material forms, must remain latent. Our solace is in Gray,—

“Full many a gem,” &c.

But further; critics do not limit themselves to abstract objections. We have the vanity to believe they will pass from this apology to that which it introduces. The argument then is read. What is the oracle? Fatal to hope,—breathing only the sentence of death. “For,” say they, “you begin your writing by postulating reason as arbiter between the combatants, and yet coolly enough conclude by recommending the Pope to go to the devil,—are you consistent in this?” We say, “We are.” God forbid that other than the law of charity

should inspire our sentiments, or actuate our conduct in relation to our fellow-men !

For, in our argument, we are dealing with the Pope, not as man, but as Pope ; that is, “ Antichrist,”—the centre of a system of enslaving error—of perilous delusion ;—and, in this sense, Charity herself does not forbid the wish, that the incarnation of such error and such delusion might be bowed out of the earth, and return to its progenitor.

Finally, we shall be told, perhaps, that an incognito had better harmonized with our effort. “ *Mons parturiens*,” say you,—“ and lo ! a mouse.” Well, we *had* thought of “ *Nemo* ” as a convenient abstraction, but were overruled. Therefore, dear Sirs, if in mood censorious, develop your mind ; or if in loftier contemplation, pass us by.

We are “ *aliquid aut nihil*,” as it pleases you. Enough however of preliminaries. Permit us to say, “ *Au revoir*.”

Your obedient Servant,

THE AUTHOR.

LONDON,
15th July, 1851.

RUSSELL v. WISEMAN.

THE Session of 1851 has all but realized its limited existence ; and yet are our representatives just as much excited, when discussing the phenomenon of the Popish apparition, as they appear to have been when its mysterious shadow first flitted across the orbit of their vision.

Alas! alas! this divine "*rabies*"—offspring of an intolerance that excludes the charity which thinketh no evil—still inflames the minds of both parties to the suit, and to that degree, that opinion defies the exercise of reason; while accidents are accepted as self-evident, immutable truths. So have we known a mighty concourse of people, when Cobden or other demagogue has been developing the Peace or Charter theories, suspend its judgment, (if it ever had any,) to embrace with open eyes, and ears, and mouth, without the shadow of a doubt or misgiving, the individual opinions of the speaker, albeit crude and incoherent; as if indeed they were truths susceptible of positive demonstration, and by consequence not only worthy of, but calling for an implicit assent. What

then are the merits of this Popish controversy? Is there a basis upon which this "*vexata quæstio*" may be definitively set at rest?—or, are we doomed to hear the echo of three names, Pope, Russell, Wiseman, sounding in our deafened ears so long as religious bigotry operates to suppress that generosity of our better nature by which we recognise in every man the wide world through—a friend, and a brother?

In other words, are we to keep up the conflict until the advent of the Millennium?—or, as manly Christian men, shall we not merge the dispute in some principle common to each disputant? Let not timid persons here misapprehend our meaning, or that we contemplate a compromise at the expense of truth. We demand, it is granted, a mutual concession, a merging of mere theoretic opinions and conventional beliefs; but God's truth, we hope, we hold with a grasp like that which the tortures of the rack, and the fires of martyrdom, were alike powerless to loosen. While Luther lives in men's hearts—great champion of truth—an example of heroism one of the highest the world supplies,—dead indeed should we be to all nobility of soul, if we would retreat a single footstep before the advance of real, downright, unmistakable error. But there is another question, besides that relating to a basis of settlement, and it is this,—What court of competent jurisdiction is there to whose judgment we may submit the point in dispute by way of appeal, and the decision of which, whatever its nature,

shall be final, and equally binding upon each of the belligerent parties? We find men of vast intellect ranged on either side of the combat: some affirming the aggression which has so terrified us, and considerably proposing a remedy; others contending that the aggression is one of name, rather than of reality, and, consistently with that view, maintaining that no remedy is needed, for that there is nothing to heal. In this condition of things—tradition answering tradition, and system opposing itself to system; the calm dignity of Russell, and the lofty genius of Palmerston, met by the subtle reasoning of Gladstone, or the philosophic profundity of Graham;—what is to be done to realize that ultimate repose to which the discussion should really tend, and which is, in fact, the object of desire?

If great names had any inherent terror, or we were content to merge our own identity in other men, seeing we are in a sense in the position of Melchisedech, “without father, without mother,” unconscious of Norman blood, assured of possessing no titled name, and shut up to the knowledge, or, at any rate, the *belief*, that failing these advantages, we have but the “*mens sana in corpore sano*,”—we should perhaps have surrendered to such an invincible modesty as to have kept an unbroken silence in respect of this bellicose theme.

But if we have not a name, we have a being: and if no Norman tide courses its tortuous way through artery and vein, evolving what is termed the aristo-

cratic element, yet are we conscious of high resolves and a self-reliant rectitude; and in such spirit we beg leave to submit to those concerned a few thoughts upon the subject of the Popish innovation.

And first, as to the question of a proper court of appeal. Is there one? We affirm there *may be*. And what is requisite but that plaintiff and defendant, upon writ of *certiorari*, removing the trial from the court of opinion to that of reason, content themselves each with offering such evidence as each can furnish; and then let reason decide on which side the preponderance of the evidence really lies. True, this method supposes each to be judge in his own case; but we say, to reason, all dogmas are alike indifferent. Reason concerns herself with knowledge—not beliefs that may be true or false. In her unclouded empire, all is certitude, not seeming; robed in light, the shadowings of error penetrate not her horizon. With reason, then, as umpire, let the question at issue be determined by its real merits, and let each party bring to its review a calm, philosophic temper; and the result, although it may witness mutual concessions, cannot be otherwise than permanently beneficial.

For the sake of attaining a greater clearness of comprehension, we propose to withdraw the controversy from a national to an individual aspect. It is a dispute between two parties, Lord John Russell and Cardinal Wiseman, with respect to certain proceedings of a third party—the Pope of Rome; and the point

to be solved is, whether the Pope has or has not, in the proceedings taken, contravened any law or custom of Great Britain. We put custom, as well as law, in the issue; for, as is known to those versed in our constitutional history, the obligation of custom is every whit as binding as statute-law upon all who are placed within its scope. Nor must His Holiness be allowed to plead ignorance, whether of the one or the other. He willed to act; and if he thought not, or inquired not, before he acted, the responsibility of a wrong acting must be taken to be of his own acquiring. Well, then, what has the Pope done? The glorious Exhibition of the year 1851 will have to share its immortality with Pio Nino; and why not? The one is the embodiment of the art and science of the world,—and better still, the pledge of an universal brotherhood *in posse*, if not *in esse*; the other, the exponent of a zeal which once elicited from a predecessor, as he looked upon the manly form and kindling eye of our British youth, that memorable sentiment, “*Non Angli, sed Angeli, forent, si essent Christiani.*” We may think his zeal misguided,—the system it would uphold radically vicious,—the subjects of it worthy of our commiseration and assistance; yet still regard the Pontiff as a man having human sympathies, and intending, however false the method pursued, to promote the welfare of his fellow-men.

Premising, then, that the Pope could never have contemplated setting the Kingdom in a blaze, the

flames of which are still raging, we have to discover whether or not, by the introduction into this country of a decretal conferring new titles upon certain of his emissaries, and assigning them therewith a spiritual jurisdiction over certain territory therein, he has been guilty of an innovation upon law or custom,—an innovation which Queen, Lords, and Commons will take cognizance of as a contempt of the Constitution.

We care little whether the “Bull,” in embryo or full development, was or was not submitted to the consideration of Lord Minto; or if it was, what were the speculations of this nobleman respecting it. We conceive too much precious time has already been consumed in discussing this point in the controversy. For, supposing Lord Minto was consulted in the matter, and that he not only did not make any objection to the proposed scheme, but even lent to it his countenance and support; still, Lord Minto could not have been supposed by the Pope, or his Cardinals, to represent the views, whether of our government or people, upon a subject entirely novel in its character, and which had not come before us in any shape for judgment.

Lord Minto’s opinion, if asked and given, could only have been an individual one, and cannot therefore, with any show of fitness, be cited on the side of the Pope, as a basis upon which to ground an assumption that his projected measure, when realized, would excite no distaste in that easy, stolid, impassive person

ycleped "John Bull;" seeing that this said "John Bull," when he does open his lips, pours forth nought but streams of oracular wisdom,—a wisdom so oracular and inspired, that even the Pope must have known that it would pronounce sentence of death upon his bantling, the moment its hideousness was beheld by that sapient and plain-dealing personage.

With these few remarks, therefore, we dismiss this, which we may now designate the historical part of the case. Returning, then, to the main argument, we propose to resolve it into two questions. First,—Has the Pope a right to confer titles—spiritual titles—upon his emissaries in England? We think he has. Secondly,—Has he a right to assign British territory, albeit for spiritual purposes, to those emissaries? We say, he has not. To solve these questions fully, we must glance at something antecedent. We must inquire, what are the functions of governments in respect of men's religious opinions? Now, our idea of a Christian government is, that it contains two elements,—the one spiritual, the other secular; the first embodied in the Church, the last in the State. In the union of the two, we recognise a governing corporation, which, instituted by God as early as Adam, and developed in various forms, has existed from then till now, as it must and will do through time, for that without it the bonds of society would be universally unloosed. And the function of such government is twofold: first, to maintain order as to

the civil relation ; secondly, to secure a fitness of observance as to the spiritual relation.

In harmony with this view, we affirm that such government should concede to every subject, in his civil relation, as much freedom as will consist with order, or, in other words, with the common weal; and in his spiritual relation, it should grant a liberty of thinking and of acting co-extensive with his desires, reserving only its right to require a fitness of observance as to things external and non-essential.

Let us apply the test here contained to the proceedings of the Pope of Rome. We have postulated that religious opinion, as it can only be legitimately conditioned by religion itself, must not be stayed in its exercise, unless it embody itself in some act that is in contravention of "fitness of observance." In other words, we must respect religious opinion so long as it does not actually or constructively oppose itself to laws deduced from the same source as itself,—laws by virtue of which the social compact is preserved in its integrity, and whereby a foundation is laid upon which religious opinion itself can alone securely rest.

We have affirmed the Pope's right to confer titular honours, as the appendages of a spiritual office, upon aliens who have become naturalized in this country; and we have indicated in the foregoing passages the ground on which our affirmation is based. We conceive that had it pleased His Holiness to have styled Cardinal Wiseman, Archangel of Westminster,

instead of Archbishop merely, although we might have smiled at the conceit, or envied the Pontiff the possession of so exalted a taste and such high powers, we could not hold him to censure for the exercise of an undoubted prerogative in relation to his own subjects. In one word, these ghostly titles, inasmuch as they trench not upon any civil institution, nor, ecclesiastically considered, militate against that "fitness of observance" to which we have adverted,—inasmuch as they are conferred by a spiritual Potentate upon spiritual subjects for spiritual ends, they must be held to be well founded in the sovereignty of the Pontiff.

If this be so, what right have we to pronounce upon the validity, or the converse, of the Pope's proceeding, so far as the abstract titles are concerned? Whence do we derive our jurisdiction to review the matter? Are not the titles, as badges of a spiritual office, virtual abstractions—mere nonentities? Why need we concern ourselves about them? Not very long ago, the German metaphysicist, Hegel, frightened his countrymen almost out of their propriety by the seeming paradox, (his first proposition in a logic devised by himself,) "Being and non-being are the same." Common sense of course felt itself aggrieved, and asked the philosopher, with some acrimony, whether it was the same if a man's house, his property, his wife, the air he breathed, &c. &c., existed or not. And what said the great man by way of reply? "In

such examples," says he, "particular ends—utility, for instance—are understood; and then it is asked, if it is indifferent to me whether these useful things exist or not. But, in truth, Philosophy is precisely the doctrine which is to free man from innumerable finite aims and ends; and to make him so indifferent to them, that it is really all the same whether such things exist or not." From this, we see the philosopher would not descend to the level of his critics; but as our object in the quotation is to illustrate our argument, we will endeavour to divine his meaning. By the terms, "being and non-being," in this relation, we understand him to intend two abstractions:—the first, "*being*," as denoting an entity not realized,—*ergo*, a quality;—the last, "*non-being*," as signifying a nonentity as to concrete form, yet implying a quality,—*ergo*, the equivalent of an abstract entity.

Applying then this logic; we say of Cardinal Wiseman, "That his being *styled* Archbishop of Westminster, and his *being* Archbishop of Westminster, amount very much to the same." The name and the thing, like Hegel's "being and non-being," mean nothing more than abstract relations.

We do not share the timidity of some in respect of titled names. These, though sonorous as old Homer's "ever loud sounding sea," or lofty as the sacred Olympus itself, are inadequate to impart to a system not vital *per se*, be it political, social, or religious, one solitary spark of resuscitating life. The grand conflict

between truth and error is one to be fought with other weapons than empty names or shadowy traditions. Stern logic, well founded and rigidly applied, is in reality the great lever by which the world is moved—the momentum whose gigantic force no form of error will ultimately withstand.

Let us then attach to names their due value, and not revive that world-famous contest of the “Nominalists” and “Realists,” who, after battling for centuries about a shadow, were each in the same position as when they began the contest. Not an inch of ground was lost or won; and but that sheer fatigue tired them out, the world had perhaps had to this day the edifying spectacle of their magnanimous and persevering animosity.

So long as the Cardinal fails to realize his magnificent title in concrete form,—the benefices of our Clergy who may be within the sphere of his ghostly jurisdiction remaining as they are,—all true Protestants may venture to be courageous, and abandon an idea too generally entertained, that we are doomed to witness a repeal of the Reformation.

But there is another aspect in which the titles under review may be regarded. As titles, we have pronounced them innocuous. As titles joined to territorial jurisdiction, though it be a spiritual one, they cannot be recognised in a country like Great Britain. And why? The genius of Protestantism is liberty,—that of Popery, a crushing despotism. Is this an in-

terested assertion? Alas! the page of history attests it to be a melancholy truth.

It will not do, then, to base the right of conferring titles, *with territory*, upon the axiom that "religion is free;" and that, therefore, spiritual action must not be interfered with. We have already constructively argued, that if religious opinion invest itself with powers subversive of civil authority, it must be dealt with like other interpolations which are inimical to law and good government. What say the Divine Oracles upon this subject?—"Render unto Cæsar the things which are Cæsar's; and unto God, the things which are God's." Has the Pontiff observed the distinction here drawn? Has he not rather, by intruding himself upon us, in dividing England into geographical sections, with a Bishop over each, and by appointing Cardinal Wiseman primate over the whole, ignored the very existence of this Sacred Writing, although it is a canon in conformity with which he professes to regulate his conduct? The Pontiff himself, then, is the real aggressor: it is he who has violated the principle both of civil and religious liberty. These, in fact, are so identified, that an outrage upon the one is a blow to the other; for wherever the civil power is contemned or contravened, we may be very sure spiritual freedom is in imminent danger of sustaining a forcible depression. The subdivision of England into Roman Catholic Bishoprics had been approximately a courteous and beneficent

scheme, on the hypothesis that England was still sunk in the darkness of heathenism; but, as the case stands, the proceeding of the Pontiff is very much of the nature of supererogative affection. At any rate, it would have been more coincident with our tastes and thinkings, had His Holiness done us the honour to have consulted us in a formal and proper manner on the matter, and so to have ascertained whether or not we should hail with that lively satisfaction which he has assumed the unlooked-for phenomenon of this sacred "Bull." We say, then, spiritualism must not over-ride government: for government and spiritualism, Church and State, are identified in one corporation; and this corporation bases upon the truth revealed in the Sacred Writings. The two powers, if they would realize their high mission, should blend in harmonious action, cherishing and assisting each the other. The subordination of the spiritual to the secular, in things external, is enjoined with a precision of terms so exact, that it is idle to demur to the doctrine laid down. In writing to the old believers dwelling on the southern shore of the Black Sea, we find Saint Peter saying, "Submit yourselves to every ordinance of man, for the Lord's sake: whether it be to the king, as supreme; or unto governors, as unto them that are sent by him for the punishment of evil doers, and for the praise of them that do well: for so is the will of God." Is then the Pope bound by this canon? If our own Bishops are not exempt from the observance of it, much less is an

alien Pope, who—if he is permitted to bear spiritual sway over certain British subjects being Catholics, he having no *right* of jurisdiction at all, not even an ecclesiastical one—is laid under the strongest obligation to respect the laws and institutions of the country in which he rules by sufferance.

The question, then, is one not of titles merely, but of titles associated with territorial dominion. Nor is it any answer to say, that this territorial dominion is virtually but a spiritual dominion, for that no tithe or other emolument gives to it a substantial existence; for the point to be considered is, whether the titles would not carry with them an influence which sooner or later would realize itself in the appropriation of property—which but for their charm would not pass from individual to corporate hands. The result here indicated is but too probable. Witness the exemplification in the case of Miss Talbot, recently before the public. When a man, in any given course of conduct which we cannot understand, withholds the declaration of his motives, we are thrown upon the necessity of speculation, if we would seek to divine them; and this speculation can only be directed to the man's acts, from which we may draw an inference that at any rate will be approximately correct.

Now, the Pope of Rome is not habitually very communicative. Hence, consistently enough, he rules that the Book which proclaims “glad tidings” to man, and which Protestants say should be free as air, and

open as the light, must ever remain a sealed book to all but persons duly taught and consecrated. And if Pontiffs advocate reserve in this, we may expect reserve in all they do. Well, then, has Pio Nino told us the *why* of his late proceedings? He has not; and we dare conjecture it would not quite suit the convenience of His Holiness to do so. What then are we to think? We recur to the past, and are reminded that, up to a recent day, the ecclesiastical polity of Rome was developed by agents not having the appendages now deemed necessary. No Archbishop of Westminster — no Catholic Bishops of counties yesterday lent the prestige of their high office to the cause of Roman Catholicism; while to-day, it is contended that without these titles that cause cannot be maintained. Well, then, we say, hold the titles, and use them if you please as titles; but forbear to map out our soil into sections, and to attach your titles to territory, for the ground is already occupied. We Protestants have our own Bishops — Oxford and others, whom we honour and love, and will not have your agents usurping their titles, and arrogating to themselves a conjoint jurisdiction; for this, we contend, is the effect of the Popish innovation.

But are we placing a right construction upon the Pope's conduct? As he does not declare his meaning, we must hazard some conjecture. Let us try another test. The Pope is the centre of the Popish system. What is that system? Is it one that commends itself

to our approval, in virtue of an elevating and scriptural faith, a pure ritual, a healthy condition of morals, an unimpeachable priesthood, free institutions, a catholic charity? If this were indeed the case, it would well become us who criticise conduct, and seek to dive into motives, to look well to ourselves, lest that injunction so full of meaning should be submitted to our attention by those we are condemning, and should impress itself on our consciousness, "Judge not, that ye be not judged." In this view, what construction shall we put upon the innovation? We can only regard it as hostile in itself, and in its tendencies eminently calculated to fasten upon our Catholic brethren, with stronger fetters, a bondage with which they have been too long oppressed.

The only result we can contemplate as having a prospective existence in the Pope's mind, when he planned the scheme in question, was the acquisition of property transferred from the individual Catholic to his priestly confessor,—property diverted from the channel of private, family, or social uses, to that of ecclesiastical purposes. Not that this transfer is wrong *per se*,—not that it is censurable, provided no improper influence is used in promoting the transfer. But is this condition one which, if circumstances allowed a trial, would be likely to be observed? We are satisfied it would *not* be observed; because, in instances numerous and nauseating, it has not been observed under circumstances of the same nature as those we have sup-

posed. Thus much as to the titles and their probable uses, on which last we strengthen our premiss, which asserts their incompatibility with either civil or religious freedom in the abstract, and with the actual state of the law as it is.

And here we need to qualify our meaning. By the phrase, "the law as it is," we intend not the Act which has just passed the Commons' House, and is wafted, we hope on propitious breezes, to the higher atmosphere, where hereditary wisdom and philosophic indifference to mundane struggles are the genius of the place; but we were thinking of a law contained in one of the old statutes, and to which reference has repeatedly been made in the course of the controversy,—a law which, had it been acted upon, as we think it should have been, would have obviated all the heat of discussion, and all the difficulties of legislation that have resulted from the fact of its having been ignored, or treated as it has been as a dead letter.

In the procession of things, the question has at length come before the Lords. And the inquiry is, "What will the Lords do with it?" Of course they will have much to say about the heat and excitement of the turbulent Commons,—they will lament that that serene atmosphere which characterizes their august place does not also dispense its soothing properties in the Lower House,—that young blood will be mettlesome, and that vigorous, ardent intellects have not yet received the mellowing and modifying influence of aged

experience; and it may be, arguing in this strain, they will hand over the new-born infant to death, the avenger,—declaring as their reason, that in their judgment, it is nothing better than an immature abortion. Leaving these hereditary exponents of the wisdom of the age to deal with the problem now before them, to the best of their skill and knowledge, let us ask ourselves in conclusion, Have we substantiated our position? Has our argument proceeded upon a premiss founded *itself* in truth?

To recapitulate, and that very briefly, we have affirmed, that the conferring of titles by the Pope on his spiritual subjects living in England, viewing those titles as symbols of a spiritual office, and as limited in their application to spiritual uses, is perfectly consistent with law and equity. We have also affirmed, that to attach to these titles a territorial empire, and so to affix to them the property of ultimately assuming a less abstract form,—in other words, the faculty of passing, as circumstances favour, into the concrete substance of realized property, at the expense of individual rights, in defiance of the law of the land,—that this is unlawful, unconstitutional,—insulting, whether to the Queen upon the throne, or the humblest peasant who tills the soil. Are we then to accept the innovation as a boon, because it is commended to our favour by the specious arguments of amateur religionists, who, in expatiating upon religious liberty, are recommending *that* which in words and acts of

antecedent date they have treated with indifference, if not with scorn?—or, are we to embrace with open arms this special “God-send,” on the ground that pseudo-patriots tell us, in the excitement of oratory, that we should be false to every principle of civil freedom, dead to every right of man, if we do not adopt, without misgiving, their theory as to the real significance of this unheard-of, undreamt-of, unparalleled monstrosity?

Avaunt, ye false prophets! ye only illustrate the proverb, that a man’s foes are they of his own house; while ye drive us the more closely to scrutinize the tactics of that crafty power whose sway ye would amplify and extend.

“*Fas est et ab hoste doceri*,” said one of the Ancients. And we say, the knowledge we have of the why and the wherefore of Pio Nino’s suddenly developed solicitude for the weal of his followers, in a foreign land, has been furnished to us by the Pope himself, aided by Cardinal Wiseman. The Rescript and the Apostolic Letter are pregnant with a meaning, which, though doubtless intended to be latent, is sufficiently patent to any careful observer. Our last word, therefore, shall be addressed to that “Sovereign Pontiff, Vicegerent of God, Vicar of Rome, His Holiness the Pope, Our Lord God the Pope;” and if he has any other title, we hope he will credit us with courteous intentions, though we may unintentionally have omitted some of his names. To this exalted person,

then, we say, whatever you may be as man, in whatever relation, whether son, brother, friend, however excellent you may be in each and all of these, you are "Antichrist;" and as such, we will have none of your wiles or contrivances. Away, therefore, thou Argus of hundred eyes,—we want not thy prying glances in our affairs. No transformed Io dear to Jove excuses thy wakeful solicitude, or need deprive thee of thy needful rest. Let each and every eye succumb to the soft influence of genial sleep, nor keep the two as spies in Juno's interests; for that all *our* acts are patent to the world, and that, becoming wiser by experience, we have ceased to follow "*ignes fatui*," having found the light which emanates from the celestial ether. And ere we take our long farewell, permit us to add, whatever good wishes we may cherish toward thee as mortal, fallible, inconstant, feeble man, in common with all the race,—our hearty desire for Popery is, that, with every other damnable delusion, heresy, error, bondage, cruelty, and false way, it may be surrendered up to him who is emphatically styled "the Father of Lies," and who has ever been, as he still is, the foe alike of God and man.

Rev. L. M. M. F.

SPEECH

OF

HENRY DRUMMOND, ESQ. M.P.

